

TIMOTHY J. RYAN - 99542
tryan@ryanlg.com
REBEKKA MARTORANO - 173600
rmartorano@ryanlg.com
THE RYAN LAW GROUP
400 Capitol Mall, Suite 2540
Sacramento, California 95814
Telephone: (916) 924-1912
Facsimile: (916) 923-3872

Attorneys for Defendants
Allegiant Travel Company and Allegiant Air, LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID C. ROOF,
Plaintiff,
v.
ALLEGIANT TRAVEL COMPANY;
ALLEGIANT AIR; and DOES 1
through 100, inclusive,
Defendants.

} Case No. 2:15-cv-08817 DDP(PLAx)

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JOINT RULE 26(f) REPORT

Date: June 27, 2016
Time: 3:30 p.m.
Courtroom: 3

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and this Court’s Order Setting Scheduling Conference dated March 17, 2016, counsel for Plaintiff David C. Roof (“Plaintiff”) and Defendants Allegiant Travel Company and Allegiant Air, LLC (“Defendants”) hereby submit to the Court this Joint Status Report.

A. Brief Summary of Claims

Plaintiff alleges that he was injured when he was struck by an aircraft cabin door on an Allegiant flight originating out of Los Angeles on June 21, 2014. Plaintiff asserts a claim for negligence. Defendants deny that they were negligent and dispute the nature and extent of Plaintiff's injuries.

B. Status of Service of Process on Parties Not Yet Served

Both Defendants have been served.

C. Possible Joinder of Additional Parties

Neither of the parties contemplate a joinder of additional parties at this time.

D. Anticipated Amendment of Pleadings

Neither of the parties anticipate an amendment of the pleadings at this time.

E. Basis of Jurisdiction and Venue

Jurisdiction in this Court is proper pursuant to 28 U.S.C. §1332 and 28 U.S.C. section 1441(e)(2) (diversity). Venue is appropriate pursuant to 45 U.S.C. §56 as the acts complained of arose at a locality within the district. *See also*, 28 U.S.C. §1391(a)(2).

F. Anticipated Discovery and Scheduling of Discovery

(1) Pursuant to FRCP 26, the parties will exchange initial disclosures on or before June 27, 2016.

(2) The parties do not request phased discovery.

(3) The parties believe that the discovery permitted by the Federal Rules of Civil Procedure will be sufficient and no modification is requested at this time.

(4) The parties propose expert witnesses should be disclosed by all parties on February 1, 2017.

Rebuttal expert witnesses should be disclosed by March 1, 2017.

Expert discovery should be completed by May 1, 2017.

(5) The parties request a discovery cut-off date of May 1, 2017.

G. Contemplated Dispositive or Other Motions; and Proposed Date by Which all Non-Discovery Motions shall be heard

At this early stage, the parties are unable to determine whether dispositive motions will be filed. No other motions are contemplated at this time. All non-discovery motions shall be heard no later than May 1, 2017.

1 **H. Methods to avoid unnecessary proof or cumulative evidence**

2 None proposed at this time.

3 **I. Final Pretrial Conference**

4 The parties agree to a Final Pretrial Conference to occur on or about June 1,
5 2017.

6 **J. Proposed Trial Date and Estimate and Jury Demand**

7 The parties agree to a trial date of July 17, 2017. The trial is estimated to take
8 5 court days. Defendants have demanded a jury trial.

9 **K. Appropriateness of Special Procedures**

10 None requested at this time.

11 **L. Modification of Pretrial Procedures**

12 None requested at this time.

13 **M. Related Cases**

14 There are no related cases.

15 **N. Timing and Method for Settlement Discussions/ADR**

16 Pursuant to the Notice to Parties of Court-Directed ADR Program, the parties
17 select mediation with a neutral from the Court Mediation Panel but respectfully
18 reserve the right to conduct private mediation instead if the circumstances should
19 warrant it. The parties propose a mediation deadline of January 31, 2017.

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1 **O. Other Matters**

2 None at this time.

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4 Dated: June 20, 2016

LAW OFFICES OF MANUEL H. MILLER

5 By: /s/ Manuel H. Miller
6 MANUEL H. MILLER
7 Attorneys for Plaintiff David C. Roof

8

9 Dated: June 20, 2016

THE RYAN LAW GROUP

10 By: /s/ Rebekka Martorano
11 TIMOTHY J. RYAN
12 REBEKKA R. MARTORANO
13 Attorneys for Defendants
14 Allegiant Travel Company and Allegiant Air,
15 LLC